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| 10/787,173 | 02/27/2004 | Robert J. Lowles | PAT 53955-2 US | 4903 |
| 26123 | 7590 | 08/24/2006 | EXAMINER | |
| BORDEN LADNER GERVAIS LLP WORLD EXCHANGE PLAZA 100 QUEEN STREET SUITE 1100 OTTAWA, ON K1P 1J9 CANADA | | | MARSH, OLIVIA MARIE | |
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| | | | 2617 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/787,173

Applicant(s)

LOWLES, ROBERT J.

Examiner

Olivia Marsh

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claims 1-9 and 11-22 are rejected under 35 U.S.C. 102(a) as being anticipated by Christal (DE 10134830 A1).**

As to **claim 1**, Christal discloses:

A holster (**FIG 2A, 11, 8**) for receiving and retaining a mobile device (**2**) in a sleeve (**9, 8**) and a peripheral device (**3**), the holster comprising:

a mating structure (**2B, 2C**) for releasably retaining the peripheral device in direct (**19**) electrical contact with the mobile device retained in the sleeve so as to permit the mobile device to charge a battery in the peripheral device through a charging contact extending from the peripheral device (**paragraphs 10, 28, and 32-33**),

the holster being capable of accommodating the charging contact extending from the peripheral device (**FIG 2B, 2C; paragraphs 32-33**).

Art Unit: 2617

As to **claim 11**, Christal discloses:

A holster (**FIG 2A, 11, 8**) for receiving and retaining both a peripheral device (**3**) and a mobile device (**2**), the mobile device being retained in a sleeve (**9, 8**), the holster comprising:

a mating structure (**2B, 2C**) for releasably retaining the peripheral device in direct (**19**) electrical contact with the mobile device when retained in the sleeve so as to permit the mobile device to charge a battery in the peripheral device (**paragraphs 10, 28, and 32-33**).

As to **claim 12**, Christal discloses:

A system (**FIG 1A, 2A**) for mobile communications comprising:

a mobile device (**2**) for connecting to a network and providing voice services having a charging port (**FIG 2C, paragraph 29**);

a peripheral device (**3**) for wireless communication with the mobile device, the peripheral device having both a battery and a charging contact (**paragraph 30**); and

a holster (**11,8**) for receiving and retaining both the peripheral device and the mobile device so that the charging port and charging contact are in direct electrical contact so as to allow the mobile device to charge the batter of the peripheral device (**FIG 1A, 2A, 2C; paragraphs 28, and 32-33**).

As to **claim 21**, Christal discloses:

A peripheral device (**3**) for wireless communication with a mobile device (**2**) (**FIG 2C**), the peripheral device including:

a battery for receiving and storing a charge (**paragraph 30; FIG 1C, 2B, 2C**); and

Art Unit: 2617

a charging contact for providing a charge to the battery when placed in direct electrical contact with a charging port of a mobile device (paragraph 30; FIG 1C, 2B, 2C).

As to **claim 2**, Christal discloses everything as applied in claim 1 and Christal also discloses:

the holster mating structure connects with the peripheral device mating structure to releasably retain the peripheral device so that a charging port of the mobile device is in electrical contact with the charging contact extending from the peripheral device to allow the mobile device to charge the battery in the peripheral device (FIG. 2A-2C).

As to **claim 3**, Christal discloses everything as applied in claims 1-2 and Christal also discloses:

the charging port is in direct electrical contact with the charging contact (FIG. 2B-2C).

As to **claim 4**, Christal discloses everything as applied in claims 1-2 and Christal also discloses:

the charging port is in electrical contact with the charging contact through an electrical connector housed in the holster (FIG. 2B-2C).

As to **claims 5 and 17**, Christal discloses everything as applied in claims 1 and 12 and Christal also discloses:

the electrical connector includes a controller for regulating charging (paragraphs 28, 32-33).

As to **claim 6**, Christal discloses everything as applied in claims 1-2 and Christal also discloses:

Art Unit: 2617

a base for supporting the mobile device in the sleeve, the base having a aperture for receiving the charging contact and allowing it to make electrical contact with the charging port (**FIG 1A, 2A**).

As to **claim 7**, Christal discloses everything as applied in claim 1 and Christal also discloses:

the holster mating structure is selected from the group consisting of a retaining bracket, a magnet, a tab, a latch, a flange, a hook, a clamp, a friction fit, and a tongue and groove (**FIG. 1A, 2A**).

As to **claims 8 and 22**, Christal discloses everything as applied in claims 1 and 21 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is a wireless headset for interaction with the mobile phone (**FIG 2A; paragraphs 32-33**).

As to **claim 9**, Christal discloses everything as applied in claim 1 and Christal also discloses:

the mobile device communicates with peripheral device on a Bluetooth communication channel (**paragraph 30**).

As to **claim 13**, Christal discloses everything as applied in claim 12 and Christal also discloses:

the holster includes a sleeve for releasably retaining the mobile device (**FIG 1A**).

As to **claim 14**, Christal discloses everything as applied in claim 12 and Christal also discloses:

the holster includes a mating structure for electrically connecting the charging contact and the charging port when both the mobile device and the peripheral device are retained in the holster (**FIG. 2B-2C**).

Art Unit: 2617

As to **claim 15**, Christal discloses everything as applied in claims 12 and 14 and Christal also discloses:

the mating structure holds the charging contact and charging port in direct electrical contact (**FIG. 2B-2C**).

As to **claim 16**, Christal discloses everything as applied in claims 12 and 14 and Christal also discloses:

the charging port is in electrical contact with the charging contact through an electrical connector housed in the mating structure (**FIG. 2C**).

As to **claim 18**, Christal discloses everything as applied in claims 12-13 and Christal also discloses:

the holster further includes a base for supporting the mobile device in the sleeve, the base having an aperture for receiving the charging contact and the allowing it to make electrical contact with the charging port (**FIG 1A, 2A**).

As to **claim 19**, Christal discloses everything as applied in claims 12 and 14 and Christal also discloses:

the mating structure is selected from the group consisting of a retaining bracket, a magnet, a tab, a latch, a flange, a hook, a clamp, a friction fit, and a tongue and groove (**FIG. 1A, 2A**).

As to **claim 20**, Christal discloses everything as applied in claim 1 and Christal also discloses:

the mobile device is a cellular phone and the peripheral device is selected from a group including a wireless headset for interaction with the cellular phone, a wireless headset for interaction with the cellular phone over a Bluetooth communication channel, and a camera for interaction with the mobile phone (**FIG 1A, 2A**).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Christal as applied to claim 1 above, and further in view of Grivas *et al* (U.S. 2004/0116161 A1).**

As to **claim 10**, Christal discloses everything as applied in claim 1; however, Christal fails to disclose the peripheral device is a camera for interaction with the mobile device. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Grivas.

In the same field of endeavor, Grivas teaches an accessory 111, such as a camera, coupled to and may be powered from the wireless communication unit's battery (paragraph 12; Figure 1). Grivas also teaches the controller may also be coupled via a port 224, such as a USB, serial, parallel, or the like port, to an accessory device as well as accessory power supply 225 that is powered from the battery 211 where the controller again controls whether current is provided or when current into the supply is interrupted (paragraph 17), reading on claimed "the peripheral device is a camera for interaction with the mobile device."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the holster, mobile device, and peripheral device, taught by Christal, the peripheral device is a camera for interaction with the mobile device, as

Art Unit: 2617

taught by Grivas, in order for the mobile user to utilize a camera without undue battery consumption of the mobile device while still providing operating power to the camera for appropriate system performance.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on 571-272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


CHARLES APPIAH
PRIMARY EXAMINER